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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,684	03/28/2001	Craig S. Rendahl	47382.000122	3283

909 7590 04/19/2007  
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EXAMINER
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BROADHEAD, BRIAN J

ART UNIT	PAPER NUMBER
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3661

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/19/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

09/818,684

Applicant(s)

REND AHL ET AL.

Examiner

Brian J. Broadhead

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 59,61-65,67-73,75-79,81-84,105 and 106 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 59,61-65,67-73,75-79,81-84,105 and 106 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1-23-07 has been entered.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 59, 60-65, 67-73, 75-79, 81-84, and 105-106 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daly et al., 5948038, in view of Jack et al., 5719396, in view of Stedman et al., 5319199, and further in view of Johnson et al., 5812249.

3. Daly et al. disclose enabling at least one record to be edited, wherein enabling the at least one record to be edited includes enabling an indicator of traffic patterns that pass the remote sensing device to be encoded in that at least one record on lines 20-25, on column 5; obtaining at least one vehicle image at the remote sensing device, the image including the license plate, determining license plate data from the plate image,

and transferring the license plate data to at least one record on line 58, on column 5, through line 9, on column 6; the at least one record is forwarded to a remote processing station on lines 19-45, on column 8; the license plate data is determined from a automatic license plate reader on lines 63-65, on column 5; enabling the at least one record to be edited includes verifying that the license plate image matches the license plate data determined by the automatic license plate reader on lines 10-15, on column 8; enabling the at least one record to be edited includes specifying a license plate type on line 13, on column 5; enabling an inaccuracy in the license plate data to be corrected on lines 45-54, on column 9; wherein the license plate type comprises an obscured license plate, state license plate, and out of state plate on lines 3-4, on column 10, and lines 12-15, on column 2; including vehicle speed in the at least one record on lines 33-34, on column 5; data validating means that validates the license plate data on lines 64-66, on column 9; matching the at least one record with the owner registration records which include a segment for vehicle type on lines 30-32, on column 8, and lines 31-32, on column 10; archiving the records on lines 35-37, on column 8; and bypassing records that are unreliable on line 37, on column 9, through line 10, on column 10. In this last section unreliable records are dealt with by prompting action by the operator. One option includes rejecting (bypassing) the record.

4. Daly et al. does not disclose obtaining the at least one emissions record that corresponds to the at least one vehicle; evaluating the received data included in the one or more records based on a predetermined reliability criteria, determining a category for pre-selected data included in the one or more records, wherein the corresponding

category indicates a reliability for the associated record; and excluding records from subsequent processing if the corresponding category indicates that the associated record is unreliable by using speed and acceleration data; and deleting excluded records.

5. Jack et al. teaches obtaining the at least one emissions record that corresponds to the at least one vehicle on lines 47-55, on column 7. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the sensor of Jack et al. in the invention of Daly et al. because such modification would provide an integrated evidentiary record for traffic violation enforcement purposed. Emissions are a traffic regulation just like needing to have a license plate, or safety inspection and one of ordinary skill would readily recognize that these are the same field of invention and useable together.

6. Daly et al. and Jack et al. do not disclose evaluating the received data included in the one or more records based on a predetermined reliability criteria, determining a category for pre-selected data included in the one or more records, wherein the corresponding category indicates a reliability for the associated record; and excluding records from subsequent processing if the corresponding category indicates that the associated record is unreliable by using speed and acceleration data; and deleting excluded records.

7. Stedman et al. teaches evaluating the received data included in the one or more records based on a predetermined reliability criteria, determining a category for pre-selected data included in the one or more records, wherein the corresponding category

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indicates a reliability for the associated record; and excluding records from subsequent processing if the corresponding category indicates that the associated record is unreliable on line 66, on column 9, through line 2, on column 10. Stedman et al. teaches ignoring the excluded records but deleting the records is a design choice. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the reliability checking of Stedman et al. in the invention of Daly et al. and Jack et al. because such modification would provide reasons for rejecting records as stated on lines 1-15, on column 10, of Daly et al. Information validating and error correcting is a necessary part of any invention and one of ordinary skill would look for way to stop incorrect violations from being sent out. Deleting unreliable records is a design choice within the ordinary skill of one in the art. If there were no need to go through and determine why the errors happened then the record would be unnecessary.

8. Daly et al., Jack et al., and Stedman et al. disclose the limitations as set forth above. They do not disclose using vehicle speed and acceleration data to determine when emissions data is unreliable. Johnson et al. teach using vehicle speed and acceleration data to determine when emissions data is unreliable on lines 18-28, on column 1 and figure 4. It would have been obvious to use the teaching of Johnson et al. in the invention of Daly et al., Jack et al., and Stedman et al. because it would obtain accurate and reliable emissions data as disclosed on lines 50-63, on column 1.

9. Daly et al., Jack et al., Stedman et al., and Johnson et al. disclose the limitations as set forth above. They do not disclose using a GUI, or the plate type is one of a tractor-trailer, motorcycle, or bus plate. It is disclosed in Jack et al. that the editing is

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done through some type of computer interface. Official notice is given that graphic user interfaces are well known in the art and the advantages of using them are known. Daly et al. discloses determining vehicle type on line 32, on column 8, but doesn't disclose changing the plate type to reflect this information. This is a design choice within the skill of one of ordinary skill in the art and it would be an expected result. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a graphic user interface and different plate types in the invention of Daly et al., Jack et al. and Steadman et al. because such modification would provide a simpler and a more user-friendly interface and because it would be a design choice. The GUI would also allow the use of standard computer hardware, which would lower costs.

### ***Response to Arguments***

10. Applicant's arguments with respect to claims 59, 61-65, 67-73, 75-79, 81-84, and 105-106 have been considered but are moot in view of the new ground(s) of rejection. The argument that Daly does not disclose enabling a user to verify the reliability of the emissions data is not convincing since Daly is directed towards checking the reliability of traffic violations and this would include emissions data. Johnson et al. has been provided for a teaching of the importance of acceleration and speed data in emissions testing. It is common knowledge and common sense that these two factors can have an influence on testing reliability.

11. Since the evidence provided for the assertion of official notice has not been traversed, the assertions made that the limitations were well known in the art are now taken to be admitted prior art.


**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 571-272-6957. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJB

  
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